

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 5:17-cr-00091
)	
Plaintiff,)	
)	JUDGE JOHN R. ADAMS
v.)	
)	
JAMEL A. SMITH,)	<u>MEMORANDUM OF OPINION AND</u>
)	<u>ORDER</u>
Defendant.)	(Resolving Doc. 126)
)	

This matter is before the Court on the *Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2) (Guideline Amendment No. 821)* (Doc. 126) (the “Motion”) filed by *pro se* Defendant Jamel A. Smith (“Smith”).

At the time of sentencing, Smith had a total offense level of 30 and a criminal history category of VI, therefore the advisory guideline range was 168–210 months. Doc. 86 at p. 14, ¶ 72. The Court ultimately varied up and sentenced Smith to a term of 40 years (480 months) imprisonment based on the 18 U.S.C. § 3553(a) factors. Docs. 92, 93. Smith filed an appeal and the Sixth Circuit, affirming the sentence, held that the Court “properly considered the factors before imposing an upward variance.” *United States v. Smith*, No. 18-4262, 2019 U.S. App. LEXIS 38709, at *13 (6th Cir. Dec. 30, 2019). Several years later, the United States Sentencing Commission issued Amendment 821. Smith now seeks retroactive application of Amendment 821 to reduce his sentence based on the assertion that his criminal history category should change to V, therefore the advisory sentencing range now applicable to his case would be 151–188 months.

While this Motion was pending, President Biden issued the *Executive Grant of Clemency* (Doc. 136) commuting Smith’s sentence and setting it to expire on July 16, 2025. At the time of

his release, Smith will have served approximately 79 months' imprisonment. The low end of the new advisory sentencing range that he seeks is significantly more – 151 months. Therefore, the Court finds no basis for an additional reduction under Amendment 821. *See* 18 U.S.C.S. Appx § 1B1.10.

Accordingly, the *Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2) (Guideline Amendment No. 821)* (Doc. 126) is DENIED.

Date: February 4, 2025

/s/ John R. Adams
JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE